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January 23, 2024

Hon. Jesse M. Furman, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Centre Street  
New York, NY 10007

**Re: Michael Philip Kaufman v. monday.com Ltd.**  
**Civil Action No. 23-5864 (JMF)**

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Dear Judge Furman,

This firm, along with Finnegan, Henderson, Farabow, Garrett & Dunner LLP, represents Defendant monday.com Ltd. ("monday.com"). We write to request that the Court adjourn the initial pretrial conference scheduled for January 31, 2024. Plaintiff Michael Philip Kaufman ("Plaintiff" or "Kaufman") does not join in this request.

In this Court's Order of December 20, 2023 (ECF 23), the Court wrote, "Upon reflection, the Court concludes that it would make sense to defer the conference until after Defendant's anticipated motion to dismiss, if not until after the Court's ruling on that motion - especially in light of the situation in Israel and its implications for Defendant's ability to conduct discovery in this matter." As the situation for monday.com in Israel has not changed (the internal patent attorney responsible for this case is still serving and has not returned to work) and given that Exhibit 1 to monday.com's motion to dismiss identifies in bold over 200 words in Kaufman's claims that Kaufman has yet to identify in monday.com's accused product, monday.com respectfully asks the Court to hold in abeyance the initial pretrial conference until after the Motion to Dismiss is decided.

On a related note, I am scheduled to attend a preliminary injunction hearing in another case on January 31. Should the Court find urgency in pressing forward with the current matter, at the very least, monday.com respectfully asks that the initial pretrial conference be rescheduled to enable me to participate.

Plaintiff requested that monday.com include his position, which is:

Kaufman has been very accommodating on extensions, but does not consent to adjourning the initial case management conference set for January 31. The Complaint in this matter was filed over six months ago (DI 1) and it is time for this case to move forward in line with the parties' jointly submitted proposed schedule. DI 20 at 4-5. Kaufman will likely amend his complaint per the Court's Order (DI

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27), but nothing therein should materially alter the scope or nature of the claims or defenses.

In response to Plaintiff's position, monday.com acknowledges that while it is true that the Complaint was filed over six months ago, Kaufman delayed serving the Complaint until November 2, 2023, per agreement of the parties, to provide an opportunity for settlement discussions. Because Kaufman only seeks monetary damages on expired patents, he will not be prejudiced by an abeyance of the initial pretrial conference, and doing so is the most efficient path in light of Kaufman's currently deficient Complaint.

Respectfully submitted,

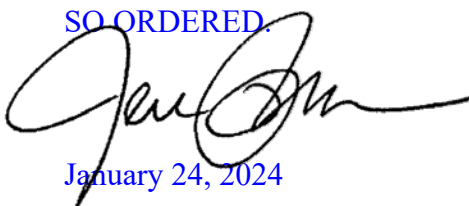


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cc: Plaintiff's counsel (via ECF)

Application GRANTED. The initial pretrial conference scheduled for January 31, 2024 is hereby ADJOURNED *sine die*. The Clerk is directed to terminate ECF No. 29.

SO ORDERED.



January 24, 2024